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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK X
 SAUL SABINO,

Plaintiff,

-against-

JAMES OGLE, CITY OF NEW YORK,
 Defendants.

Case No.20-CV-5861(EK)(JRC)

PLAINTIFF'S DECLARATION IN

OPPOSITION TO DEFENDANT(S)'

MOTION(S) FOR SUMMARY JUDGMENT

SAUL SABINO'S DECLARATION

Saul Sabino states:

1. I Saul Sabino am over 18 year of age. I am fully competent to make this Declaration and I have personal knowledge of the facts stated in this Declaration. To my knowledge, all of the facts stated in this Declaration are true and correct-including prior pleadings filed, attached exhibits and cited materials,case laws of-genuine issues of material facts. Plus the Discovery NOT obtained from both the-Defendants with regards to many of the heresaid genuine issues that are intensively-fact-based with direct knowledge relevant to such oppose disputes that are in the-hands of both Defendants and I ask pursuant to Rule 56(d) of Fed.R.Civ.P. that I be-permitted this Discovery from both Defendants. Unless,this Court DENIES both of the-Defendants Summary Judgment motions which they are NOT-ENTITLED too based on Plaintiff's-provided genuinely disputed facts/& materials that are part of the record, and attached-exhibits.

2. Defendant-James Ogle and City of New York are NOT-ENTITLED to Summary -Judgment because there are genuine issues of materials fact to be tried and resolved-by a Jury. These issues are identified in the attached accompanying Statement Of Disputed-Factual Issues file here by Plaintiff pursuant to Local Civil Rule 56.1(b) of this-District Court. The Facts are set out in this Declaration, Statement of Disputed Facts,&-Brief in Opposition To Defendants' Summary Judgment with exhibit, citations,and more.

3. The Defendant-James Ogle's Declaration claims with Memorandum of Law & papers-per Rules 12(b)(6) & 56, Plaintiff OBJECTS (Except to Defendant-Ogle's Admission to 8th-Amendment Violation), since (a) Defendant-Ogle was/is NOT privileged in issuing an (- "INVALID-ILLEGAL)parole warrant against Plaintiff that's NOT supported by admissible-evidence per Rule 56(c)(2)(3);(b) Plaintiff OBJECTS,since Plaintiff has provided beyond-sufficient facts to demonstrate Defendant-Ogle's Deliberate Indifference in his gross-actions that prolonged Plaintiff's detention for 72 days after NO LONGER-BEING LEGALLY ON-PAROLE POST HIS NOVEMBER 21st,2018 MAXIUM-EXPIRATION;(c) Any Claims against the-Defendant-Ogle is"subjected in his person to the consequences of his individual conduct",-therefore, personal capacity per Ex parte Young,28 S.Ct.441 (1908) are NOT BARRED BY -QUALIFIED IMMUNITY;(d) Defendant-Ogle's conduct violated clearly established laws(& the-Plaintiff's Procedural Due Process & U.S.Constitutional Rights)and the Eleventh Amendment-Immunity DOES NOT APPLY & MUST BE DENIED;(e) Plaintiff welcomes Defendant-Ogle's -Admitssion to Plaintiff's Eighth Amendment Violation,BUT OBJECTS to Defendant-Ogle's baseless statement that apart from the Eighth Amendment Claim he has fail to state-a claims for relief,since Plaintiff has PLEADED SUFFICIENT FACTS TO SHOW HIS CLAIMS HAVE -SUBSTANTIVE PLAUSIBILITY TO GRANT HIS CLAIMS RELIEFS,Per Johnson v.City of Shelby,Miss.,-135 S.Ct. 346 (2014),and clearly establish as a matter of law in all Pleadings,Motions,-Complaints, and exhibits filed by Plaintiff and further explain here too.

Sabino v. James Ogle, City of New York, et al., Case No. 20-CV-5861(EK) (JRC)

"PLAINTIFF'S DECLARATION IN OPPOSITION TO DEFENDANT(S) MOTION(S) FOR SUMMARY JUDGMENT"

SAUL SABINO'S DECLARATION

4. The Defendant-City of New York's Declaration claims with Memorandum of Law- & papers/exhibits per Rule 12(b)(6) and Rule 56 of Fed.R.Civ.P. motion, Plaintiff firmly- OBJECTS TO DEFENDANTS CLAIMS AND ARGUEMENTS IN POINT ONE AND TWO as facts NOT supported- by admissible evidence pursuant to Rule 56(c)(2)(3) for this Court must consider facts &- materials in the records that disputes and contradicts Defendant-City of New York's- claims and arguments in Point one and two. In summary to Defendant-City of New York's- Argument-Point One, (a) Plaintiff's claims are NOT BARRED BY THE COERCED WHILE IN DURESS- GENERAL RELEASE-CONTRACT INDUCED BY FRAUD AND UNCONSCIONABLE CONDUCTS THAT MAKES IT VOID- & NULL AND UNENFORCEABLE AS A MATTER OF LAW-Per N.Y.Uniform Commercial Code§2-A-108(1)(2)- AND PLAINTIFF RECEIVES NO FUNDS FROM SAID GENERAL RELEASE-CONTRACT(S), WHICH REQUIRES THIS- COURT AS A MATTER OF LAW PER-N.Y.U.C.C. §2-A-108(1)(2) TO GRANT PLAINTIFF APPROPRIATE - RELIEFS DUE TO THE UNCONSCIONABLE CONDUCT [FRAUDS] BY DEFENDANT-CITY OF NEW YORK'S GENERAL- RELEASE-CONTRACT(S) THAT OCCURRED IN THE COLLECTION OF THESE CLAIMS. THIS COURT HAS POWER- AND AUTHORITY PER N.Y.U.C.C. §2-A-108(1)(2) TO REFUSE TO ENFORCE AS A MATTER OF LAW THE- DEFENDANT-CITY OF NEW YORK'S [UNFAIR] GENERAL RELEASE-CONTRACT(S) THAT HAD BEEN UNCONSCIO- NABLY MADE AT THE TIME, AND SO ONESIDED AS TO OPPRESS THE PLAINTIFF FROM ABUSES ARISING - ALSO FROM THE GENERAL RELEASE-CONTRACT(S) FORMATION, THIS COURT PER N.Y.U.C.C. §2-302 MUST- CONSIDERED IN CONJUNCTION WITH THE OBLIGATIONS OF GOOD FAITH IMPOSED AT SEVERAL PLACES IN- N.Y.U.C.C. §§2-302 , 1-203, & 2-A-108 TO DENY ENFORCEMENT OF UNFAIR, OPPRESSIVE GENERAL - RELEASE -CONTRACT(S) BY DEFENDANT-CITY OF NEW YORK; AND AWARD PLAINTIFF RELIEFS: and (b) Plaintiff has beyond pleaded Substantive Plausibility in his Claims/Facts in regards- to Defendant-City of New York's Second-Point of Argument since there UNWRITTEN POLICIES- & CUSTOMS OF NOT TIMELY FOLLOWING IT'S OWN RULES AND NEW YORK STATE LAWS IT'S IN BAD FAITH- DEEPLY ROOTED IN DEFENDANT-City of NEW YORK'S CONDUCTS-AND UNWRITTEN POLICIES EVEN WHEN- IT HAS THE LEGAL AUTHORITY TO RELEASE PLAINTIFF FROM WRONGFUL-CONFINEMENT AND IT DOES-NOT- UNDER SUCH CONDITIONS THAT WANTON AN INFLECTION OF UNNECESSARY PAINS ON PLAINTIFF AND THEREBY VIOLATES BOTH PLAINTIFF'S EIGHT AMENDMENT AND HIS FOURTEENTH AMENDMENT SINCE THE- PLAINTIFF WAS DENIED THE OPPORTUNITY TO BE HEARD WITHIN A REASONABLE PERIOD OF TIME THAT- NEVER OCCURED SINCE A HEARING WAS DONE WITHOUT THE PRESENCE OF THE PLAINTIFF, NOR WAS - PLAINTIFF GIVEN ADEQUATE NOTICE OF THE REASONS FOR THE 72 DAYS FOR THE CONFINEMENT AND- PER Zenon v. Downey, 2018WL 6702851 (N.D.N.Y., Dec 20, 2018) & Palmer v. Richards, 364 F.3d- 60,65 (2d Cir. 2004) Defendant-City of New York is NOT ENTITLED TO SUMMARY JUDGMENT &- Since Plaintiff Has Pleaded factual Allegations, claims this Court must take them as- true and draw all reasonable inferences in the Plaintiff's favor.

5. The foregoing factual allegations create a genuine issue of material facts and - will, if proved at trial, support a judgment in my favor, as explained in the brief i have submitted with this Declaration.


Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing- is true and correct.

Executed on September 01st, 2023.

Encl.; 1) Plaintiff's Statement of Material Facts; -
2) Plaintiff's Brief In Opposition; & -
3) Exhibits

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Respectfully Submitted,



Mr. Saul Sabino-Plaintiff/Declarant
Franklin Corr. Fac., 62 Bare Hill Rd.
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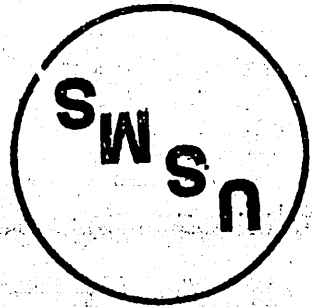
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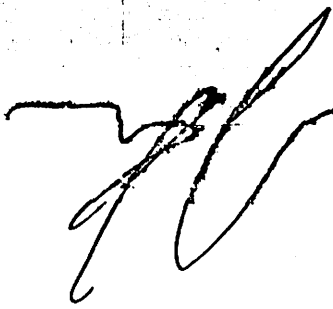
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